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Ontario's Brownfield Reforms

Overview of Amendments to Ontario Regulation 153/04

Brownfields are lands such as former industrial lands found in all municipalities in the province, now vacant or underused, but with potential for redevelopment. In the last century, many industries in Ontario operated within city cores and along waterways. Some of these industries included mills, factories, railway yards and service stations. Many have since closed or moved away. The lands left behind – brownfields – lie idle and often are contaminated.

In spring 2007, the Ontario government announced comprehensive reforms to put more brownfields into productive use while safeguarding public health and safety.

Redeveloping brownfields is good for the environment. It reuses the land to make way for new sustainable communities with houses, offices, schools and recreation centres close to public transportation and other services.

In December 2009, Ontario amended O. Reg. 153/04 (Records of Site Condition) to implement the balance of the reforms. A Record of Site Condition must be filed whenever property use changes to a more sensitive use as determined under Part XV.1 of the Environmental Protection Act and O. Reg. 153/04.

Improvements to the Record of Site Condition process include a more predictable and transparent process that clarifies what environmental site assessment work must be done to submit a RSC. The Ministry of the Environment will also check and in some cases review a RSC before it is filed to the Brownfields Environmental Site Registry to ensure its integrity.

A new “modified generic” or streamlined risk assessment has been created to provide an alternative to meeting generic standards and the traditional risk assessment, where appropriate. This streamlined approach will be timelier and more cost-effective.

Updated soil and groundwater standards reflect advances in science. These revised standards strengthen protection of human health and the environment, and increase confidence in RSCs.

Various technical matters have also been clarified for property owners and people who supervise or conduct environmental site assessments or site remediation activities.

To guide the implementation of the regulation O. Reg.153/04, the Ministry of Environment will continue to work with other ministries to develop a number of web-based tools and guidelines. Some of the guidelines include early notification to municipalities and Aboriginal communities on brownfields sites assessment and remediation.

A series of fact sheets provides an overview of the proposed regulatory changes:

1. Enhanced Record of Site Condition Integrity
2. Streamlined Risk Assessment
3. Strengthened Standards
4. Complementary Amendments to Ontario Regulation 153/04
5. Implementation and Transition

The regulation O. Reg.153/04 (Records of Site Condition – Part XV.1 of the Act), made under the Environmental Protection Act, is available at www.e-laws.gov.on.ca.

Additional information is also available on the Brownfields Ontario website: www.ontario.ca/brownfields.